

PUBLIC SAFETY DEPARTMENT[661]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 101.1, the State Fire Marshal hereby gives Notice of Intended Action to amend Chapter 221, "Flammable and Combustible Liquids," Iowa Administrative Code

Iowa Code chapter 101 authorizes the State Fire Marshal to establish standards for the safe dispensing of flammable liquids. Generally, dispensing of flammable liquids is only allowed using dispensers listed by an independent testing laboratory for use with the liquid being dispensed. An exception to this practice has been made for blends of ethanol for which no listed dispensers exist. The Fire Marshal has determined that a parallel exception is appropriate for blends of biodiesel and petroleum diesel fuel containing up to 20 percent biodiesel. The amendment proposed herein would create a parallel exception for dispensing of biodiesel blends to that which already exists for ethanol blends.

Any interested party may submit comments on the proposed amendment to the Agency Rules Administrator, Department of Public Safety, State Public Safety Headquarters Building, 215 East 7th Street, Des Moines, Iowa 50319 by mail; by telephone to (515)725-6185; by fax to (515)725-6195; or by E-mail to admrule@dps.state.ia.us. Comments must be received by 4:30 p.m. on June 9, 2009.

A public hearing on this proposed amendment will be held at 9 a.m. on June 9, 2009, in the First Floor Public Conference Room (Room 125), State Public Safety Headquarters Building, 215 East 7th Street, Des Moines, Iowa 50319. The hearing room is fully accessible. Persons wishing to speak at the hearing should contact the Agency Rules Administrator by E-mail to admrule@dps.state.ia.us or telephone at (515)725-6185 at least one day prior to the hearing.

The proposed amendment is subject to the general waiver provisions which govern rules of the Fire Marshal.

This amendment is intended to implement Iowa Code chapter 101.

The following amendment is proposed.

Amend subrule 221.4(2) as follows:

221.4(2) Add the following new section:

2206.7.1.1 Dispensing of ~~E-blend~~ blended biofuels.

2206.7.1.1.1 Definitions.

"B-blend" means biodiesel blended fuel as defined in Iowa Code section 214A.1 with the blend including no more than 20 percent biodiesel, as defined in Iowa Code section 214A.1.

"E-10" means a blend of petroleum and ethanol including no more than 15 percent ethanol intended for use as a motor vehicle fuel.

"E-blend" means a blend of petroleum and ethanol including more than 15 percent ethanol intended for use as a motor vehicle fuel.

2206.7.1.1.2 E-blend may only be dispensed if both of the following apply:

(a) Only a dispenser listed by an independent testing laboratory as compatible with ethanol blended gasoline shall be used to dispense E-blend.

(b) The owner or operator or a person authorized by the owner or operator shall visually inspect the dispenser and the dispenser sump daily for leaks and equipment failure and maintain a record of such inspection for at least one year after the inspection. The record shall be located on the premises of the retail dealer and shall be made available to the department of natural resources or the state fire marshal

upon request. If a leak is detected, the department of natural resources shall be notified pursuant to Iowa Code section 455B.386.

2206.7.1.1.3 B-blend may only be dispensed if both of the following apply:

(a) Only a dispenser listed by an independent testing laboratory as compatible with diesel fuel shall be used to dispense B-blend.

(b) The owner or operator or a person authorized by the owner or operator shall visually inspect the dispenser and the dispenser sump daily for leaks and equipment failure and maintain a record of such inspection for at least one year after the inspection. The record shall be located on the premises of the retail dealer and shall be made available to the department of natural resources or the state fire marshal upon request. If a leak is detected, the department of natural resources shall be notified pursuant to Iowa Code section 455B.386.